

2013

## Swimming and Survival: Two Lessons from History

Alan F. Isles

*Royal Children's Hospital*

John H. Pearn

*Royal Life Saving Society Australia*

Follow this and additional works at: <https://scholarworks.bgsu.edu/ijare>

---

### Recommended Citation

Isles, Alan F. and Pearn, John H. (2013) "Swimming and Survival: Two Lessons from History," *International Journal of Aquatic Research and Education*: Vol. 7 : No. 2 , Article 8.

DOI: 10.25035/ijare.07.02.08

Available at: <https://scholarworks.bgsu.edu/ijare/vol7/iss2/8>

This Research Article is brought to you for free and open access by ScholarWorks@BGSU. It has been accepted for inclusion in International Journal of Aquatic Research and Education by an authorized editor of ScholarWorks@BGSU.

# Swimming and Survival: Two Lessons from History

**Alan F. Isles and John H. Pearn**

Swimming skills, escape from water entrapment and the history of water safety are themes which enjoin all who work, volunteer and serve in the domains of the aquatic professions. The imperative of being able to swim and the importance of survival skills are curiously illustrated by two examples from the history of medicine. One relates to the Code of Hammurabi (1750 BC); the other relates to the punishment by drowning, inflicted by King John of Bohemia (1296 – 1346 AD). In these two examples, escape from water entrapment and the ability to swim were more important skills than the possession of medical interventions with curative outcomes, or even the presumption of innocence following criminal arrest and subsequent judicial trial. In ancient Babylon, it was more important to be able to swim than to be honest.

**Keywords:** drowning, water safety, swimming skills, Code of Hammurabi

The heritage of the aquatic professions is detailed and rich. To this history, we add two striking and interconnected examples that illustrate the benefit of being able to survive in the aquatic domain. The first of these dates from the second millennium B.C. in ancient Babylon; the second, from the late medieval era in the Kingdom of Bohemia (from 1310 AD) in what today is the Czech Republic.

## King Hammurabi and Trial by Swimming

King Hammurabi (1792-1750 BC) was the sixth king of the Amorite Dynasty of Old Babylon and the first King of the Babylonian Empire. His kingdom was the greatest in the known world of his era. Hammurabi created his dynasty by conquering neighboring territories until he controlled the entire region of Mesopotamia. He is best known for the set of laws, the Code of Hammurabi, which he promulgated. His laws are recognized as the first sets of written laws in history. As Hippocrates

---

Alan Isles is with Royal Children's Hospital, Respiratory Medicine in Brisbane, Queensland, Australia. John Pearn is with the Royal Life Saving Society Australia, Dept. of Paediatrics and Child Health, Royal Children's Hospital, Brisbane, Queensland, Australia.

is to the history of medicine and the healthcare sciences, so too is Hammurabi to the history of law. A surviving copy of the Code of Hammurabi was found in 1901 by archaeologists excavating on the site of the ancient city of Susa, now in Iran. Susa was historically the capital of the Elamite Empire that had conquered the Babylonian Empire after Hammurabi's death. A diorite stela, with Hammurabi's laws engraved in cuneiform text, is today on display in the Louvre Museum in Paris.

The Code of Hammurabi is notable for two things. It formalized retribution as a component of judicial punishment. The retribution punishment within the Code of Hammurabi included the concept of "an eye for an eye and a tooth for a tooth" (Coogan, 2009); in Judaic and later Roman times, the *lex talionis* (Oxford English Dictionary, 2012). Second, Hammurabi introduced the judicial "trial by water," considered the forerunner to the more general trial-by-ordeal. Trial-by-ordeal, in various gruesome forms, was practiced in many cultures as late as the nineteenth century (Becker, 1968; Chapus & Mondain, 1953; Leeson, 2011).

Of relevance to those whose lives center on and around the aquatic domain, it is relevant to note that it was believed in Hammurabi's time that the River Euphrates, a personified deity, would act as a judge of people accused of various crimes. The second of the 282 laws which comprised the Code of Hammurabi stated:

If anyone bring an accusation against a man and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river proves that the accused is not guilty and he escape unhurt, then he who hath brought the allegation shall be put to death, while he who leaped into the river shall take possession of the house that belonged to his accuser. (Johns, 1987)

The fact that this was the second of Hammurabi's 282 laws suggests that the Babylonian population was acutely aware, at that time, of the drowning risk in the Euphrates River, which flowed beside the city of Babylon. As a person's guilt or innocence, and indeed their survival, was determined by this trial or ordeal by water, there was an obvious survival advantage possessed by those who knew how to swim.

In the greatest city of the world in its time, it was more important to be able to swim than to be honest. Being able to swim, and others knowing this fact, must also have discouraged litigation! In addition, survival by one's aquatic skills also carried with it the added bonus of potentially acquiring an additional house and seeing one's accuser executed (Johns, 1987).

The Code of Hammurabi also included nine laws devoted to the regulation of medical fees (Laws 215 to 223). The Code specified medical fees that differed according to the social status of the patient. The Code also specified the penalty for a surgeon who performed an unsuccessful operation on the eye, in that era, most probably the unsuccessful removal of a cataract. Bronze blades for removal of cataracts or "couching" have been found in ancient Babylon. Hammurabi's prescribed penalty for unsuccessful surgery was that the surgeon's hand was to be cut off, a punishment that no doubt weighed heavily on the minds of those who dared operate. The punishment for unsuccessful eye surgery provides the connection to a second example of the potential (but unrealized) advantage of aquatic survival and escape skills in the aquatic domain.

## King John of Bohemia—Execution by Water Entrapment

Execution by drowning, with judicial submersion entrapment, had been used by several rulers as their method of capital punishment. Until the eighteenth century, the “Grace of Wapping” was the execution of pirates by slow or partial gibbet strangulation and then immersing them in chains at low tide on the River Thames at Wapping in central London. They were left to be submerged diurnally by three tides before being cut down (Hartshorne, 1893).

One of the first recorded examples of this form of judicial execution, with linked aquatic and medical overtones, dates from medieval times in Bohemia. King John of Bohemia (1296-1346), often known as “John the Blind,” was the son of the Holy Roman Emperor Henry VII and his wife, Margaret of Brabant. He was born near Brussels and educated in France. His father ennobled him as the Count of Luxembourg in 1309 (modern day Belgium and Luxembourg). John became King of Bohemia in 1310. He lost his sight following an injury while crusading with the Teutonic knights in what today is Lithuania.

In those times, the practice of surgery on royal or titled patients was a particularly hazardous occupation. There was no limit to the penalty that might be imposed on the surgeon whose remedial attempts were unsuccessful. The blind (King) John of Bohemia, for instance, having found a surgeon who thought he could cure his blindness and who failed, had the said surgeon sewn in a sack and dropped from a bridge into the River Oder (Matthews, 1930).

After his unsuccessful surgery and the judicial drowning of his unsuccessful surgeon, King John travelled to Avignon. He sought treatment from Guy de Chauliac (1300-1386), the most eminent surgeon of the European Middle Ages, who was also physician to Pope Clement VI. De Chauliac’s *Chirurgia magna*, published in 1363, was used as a standard reference work on surgery for the ensuing 400 years. Like his erstwhile Bohemian predecessor, de Chauliac was unable to restore King John’s sight. Unlike his predecessor, he was not drowned. King John was not in his own kingdom and de Chauliac was physician to the Pope! King John’s legacy survives in his battle insignia, three ostrich plumes. Following his death at the Battle of Crécy (1346), John’s plumes became (and remain) the insignia of the British Prince of Wales. Every Prince of Wales since that time has borne the insignia of this heraldic device (Pearn, 2012). These insignia, although ironic, are also appropriate because in the last 150 years, the successive Princes of Wales have been champions of injury prevention and the promotion of water safety. Certainly, unlike their heraldic forebear, they would never countenance judicial punishment by water ordeal or drowning!

## Conclusion

In the 21st century, drowning remains the third most common cause of accidental death worldwide. More than 400,000 victims drown annually. All bodies and agencies involved in the aquatic domain promote the teaching of swimming and of survival skills. From the preventive point of view, many first aid and aquatic

courses of instruction emphasize awareness of risks and preemptive action rather than swimming skill itself.

All professional aquatic bodies promote the teaching of swimming skills after the age of three years. Many other factors (e.g., hypothermia, misuse of alcohol and drugs, suicide attempts) can lead to the death of those who find themselves in life-threatening situations in the water. Nevertheless, survival skills during boating, aircraft misadventure and motor vehicle immersion, and other potential entrapment scenarios, along with simple swimming skills undoubtedly are crucial in the constant struggle to reduce the enormity of the worldwide drowning statistics today. The importance of these basic skills has a history dating back almost 4000 years.

## References

- Becker, G.S. (1968). Crime and punishment: An economic approach. *Journal of Political Economy*, 76: 169-217.
- Chapus, G.S., & Mondain, G. (1953). *Un homme d'etat malgache: Rainilaiarivony* [A man of state Malagasy Rainilaiarivony]. (p. 32). Paris: Editions Diloutremer.
- Coogan, M. (2009). *A brief introduction to the Old Testament. The Hebrew bible in context* (p. 112). New York: Oxford University Press.
- Hartshorne, A. (1893). [Reprinted 2011] *Hanging in chains* (pp. 73-75). New York: MOML Legal Treatises. Cassell Pub Co.
- Johns, C.H.W. (1987). *Babylonian and Assyrian laws, contracts and letters*. New York: The Legal Classics Library [Division of Gryphon Editions]. Accessed at: <http://www.commonlaw.com/Hammurabi.html> on 28 November 2012.
- Leeson, P.T. (2011). Trial by battle. *Journal of Legal Analysis*, 3: 341-375.
- Matthews, F.S. (1930). John of Arderne, Medieval English surgeon. *Bulletin of the New York Academy of Medicine*, 6: 461-471.
- Oxford English Dictionary [Editor] *lex talionis*: "the law of retaliation, whereby a punishment resembles the offence committed in kind and degree." Accessed at <http://oxford-dictionaries.com/definition/english/lex+talionis> on 19 December 2012.
- Pearn, J. (2012). Gunpowder, the Prince of Wales' feathers and the origins of modern military surgery. *Australian and New Zealand Journal of Surgery*, 82: 240-244.